



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,436	06/23/2000	Gregg S. Freishtat	P0129/170179	6136

7590 06/01/2005

John S Pratt
Kilpatrick Stockton
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4530

EXAMINER

PATEL, AJIT

ART UNIT PAPER NUMBER

2664

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/308,436

Applicant(s)

FREISHTAT ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> pages. | 6) <input type="checkbox"/> Other: _____ |

1. Claim 47 is objected to because of the following informalities: "." Should be inserted after management in line 1. Appropriate correction is required.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12,15-22,24-37,39-47,49-57,59-66,68-72,75-78,80-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Pepe et al (5,742,668).

Regarding claim 1, Pepe et al disclose an electronic message network comprising a server (48 of fig. 4); a first database in communication with the server (44 of fig. 4); at least one telephony node in communication with the server (52 of fig. 4); at least one Internet node in communication with the server (49 of fig. 4); at least one hardware node in communication with the at least one telephone application node, at least one Internet node and server (30 of fig. 4).

Regarding claim 2, Pepe et al disclose at least one Internet based messaging and communications management application resident on the at least one telephone application node (It is noted that the user connected to the Internet 49 can access to the telephone messaging system 52 of fig. 4).

Art Unit: 2664

Regarding claim 3, Pepe et al disclose at least one Internet based messaging and communications management application provides voicemail functionality (20 of fig. 4).

Regarding claim 4, Pepe et al disclose at least one Internet based messaging and communications management application provides electronic mail functionality (22 of fig. 4).

Regarding claim 5, Pepe et al disclose at least one Internet based messaging and communications management application provides facsimile functionality (24 of fig. 4).

Regarding claim 6, Pepe et al disclose at least one telephony based messaging and communications management application resident on the at least one telephone application node (52 of fig. 4).

Regarding claim 7, Pepe et al disclose at least one telephony based messaging and communications management application provides voicemail functionality (20 of fig. 4).

Regarding claim 8, Pepe et al disclose at least one telephony based messaging and communications management application provides electronic mail functionality (22 of fig. 4).

Regarding claim 9, Pepe et al disclose at least one telephony based messaging and communications management application provides facsimile functionality (24 of fig. 4).

Regarding claim 10, Pepe et al disclose the hardware node further comprises at least one communication processing board (The PDA inherently have processing board).

Regarding claim 11, Pepe et al disclose at least one communication board is a digital network interface (lines 39-40, col. 1).

Regarding claim 12, Pepe et al disclose at least one communications processing board is a facsimile board (lines 62-65, col. 15).

Regarding claim 13,48, Pepe et al disclose at least one communications processing board is a text to speech processor (lines 60-62, col. 9).

Regarding claim 15, Pepe et al disclose at least one communications processing board is a voice recording board (20 of fig. 4).

Regarding claim 16,31,51, Pepe et al disclose at least one user interface (inherent in fig. 4).

Regarding claim 17, 32,52, Pepe et al disclose the interface is telephony based (43 of fig. 4).

Regarding claim 18,33,53, Pepe et al disclose the interface is Keypad based (26 of fig. 4).

Regarding claim 19,34,54, Pepe et al disclose the interface is an Internet browser (49 of fig. 4).

Regarding claim 20,35,55,64,76, Pepe et al disclose the interface provides access to stored messages and real-time communications (voice in fig. 4 is a real time).

Regarding claim 21,36,56,65,77, Pepe et al disclose the interface provides people centered communications (fig.4).

Regarding claim 22,37,57,66,78, Pepe et al disclose the interface provides cross media messaging (fig.4).

Regarding claim 24,39,59,68,80, Pepe et al disclose the interface allows a user to direct a single message to multiple recipients (lines 29-35,col 21).

Regarding claim 25,40,60,69,81, Pepe et al disclose the interface allows a user to create a publicly accessible web page (49 of fig.4).

Regarding claim 26,41,61,70,82, Pepe et al disclose the interface allows a user to identify at least one information source and periodically retrieve selected data from the information source (44, 51 of fig.4).

Regarding claim 27,42,62,71,83, Pepe et al disclose an application which selects the optimal communications medium for sending or receiving a message (wireless network in fig.4).

Regarding claim 28, Pepe et al disclose the internet node further comprises a web manager; an encoder in communication with the web manager; and second database in communication with the web manager (49 of fig.4).

Regarding claim 29, Pepe et al disclose the web manager periodically synchronizes the first and second data base (lines 29-33, col. 13).

Regarding claims 30,63, Pepe et al disclose the communication system which comprises telephony subsystem (52 of fig. 4); an Internet subsystem in communication

Art Unit: 2664

with the telephony subsystem (49 of fig. 4); and a hardware node in communication with the telephony subsystem and the Internet subsystem (30 of fig. 4).

Regarding claim 43, Pepe et al disclose a messaging system comprising a system client (52 of fig. 4); a computer telephony interface library in communication with the client (44 of fig. 4); and a computer telephony interface server in communication with the library (48 of fig. 4).

Regarding claim 44, Pepe et al disclose the system client provides at least one service (20,22,24,26 of fig. 4).

Regarding claim 45, Pepe et al disclose the service which is facsimile message management (24 of fig. 4).

Regarding claim 46, Pepe et al disclose the service which is automated message delivery to a predetermined recipient (lines 1-20, col. 18).

Regarding claim 47, Pepe et al disclose the service which is electronic mail management (22 of fig. 4).

Regarding claim 49, Pepe et al disclose the service which is an automated response to electronic mail (22 of fig. 4).

Regarding claim 50, Pepe et al disclose the service is call flow mapping (lines 62-65 of col. 15).

Regarding claim 72, Pepe et al disclose a messaging system comprising telephony subsystem (52 of fig. 4); an Internet subsystem in communication with the telephony subsystem (49 of fig. 4); a hardware node in communication with the telephony subsystem and the Internet subsystem (30 of fig. 4); at least one keypad

Art Unit: 2664

based interface in communication with the telephony subsystem (26 of fig. 4); at least one web browser interface in communication with the Internet subsystem (49 of fig. 4); and a billing information system in communication with the telephony and Internet subsystem and with a payment source (lines 35-42, col. 27).

Regarding claim 75, Pepe et al disclose the keypad interface is a telephone (26 of fig. 4).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14,23,38,58,67,73,74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al.

Regarding claim 14,23,38,58,67, Pepe et al disclose all the claimed subject matter as described in previous para. except the user to initiate and control the conference call. However, user which initiate and control the conference call is well known in the art. Therefore, it would have been obvious to one skilled in the art to initiate and control the conference call by the user in the system of Pepe et al in order to have conference.

Regarding claim 73, 74, Pepe et al disclose all the claimed subject matter except that the payment source is credit card and bank account which is well known in the art.

Art Unit: 2664

Therefore, it would have been obvious to one skilled in the art to use credit card or bank account in the system of Pepe et al for paying the bill accrued by using the system by the user.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP


Ajit Patel
Primary Examiner